

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA

vs. : NO. 2:13-CR-214
JUDGE GRAHAM

ANTHONY RAY VALDEZ

GOVERNMENT'S SENTENCING MEMORANDUM

The United States submits this pleading in response to Defendant's sentencing memorandum. We agree with Defendant's position that the Probation Officer has correctly calculated the advisory guideline sentencing range in Defendant Valdez's case. The United States thus raises no objections to the Presentence Investigation Report (PSR). The advisory guideline range for the Defendant's sentence is 30 to 37 months, based on an offense level 17 and a criminal history category III. (PSR para. 77).

The United States submits that a 37 month prison sentence, as recommended by the Probation Officer, would be reasonable under the rationale of United States v. Booker, 543 U.S. 220 (2005). The United States further believes that an upward variance from the applicable guideline range would not be warranted here.

The Defendant submits that his family background, his extensive history of drug addiction and his relatively limited prior criminal history warrant a 30 month period of

incarceration, to run concurrent to his present undischarged term of imprisonment. While the government is certainly sympathetic to the issues addressed in Defendant's memorandum, it is clear that Defendant continued to commit criminal offenses while under the supervision of this Court. The Probation Officer's recommendation for a consecutive term of incarceration based on this activity is thus warranted. The government would respectfully suggest that the Court consider the mitigation proffered by the Defendant to determine whether or not a sentence at the lower end of the applicable guideline range, to run consecutive to his undischarged term, is appropriate.

WHEREFORE, the United States respectfully requests that this Court consider the matters contained herein in arriving at an appropriate sentence in this case.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Sentencing Memorandum was served this 2nd day of January, 2014, electronically on: Zenaida Lockard, Esquire, Attorney for Defendant Anthony Ray Valdez, 10 W. Broad Street, Suite 1020, Columbus, OH 43215.

s/Salvador A. Dominguez
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